

1 Josh H. Escovedo, State Bar No. 284506
2 Josiah M. Prendergast, State Bar No. 292840
3 **WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN**

4 Law Corporation

5 400 Capitol Mall, 11th Floor
6 Sacramento, California 95814

7 Telephone: 916.558.6000

8 Facsimile: 916.446.1611

9 Email: jescovedo@weintraub.com; jprendergast@weintraub.com

10 Attorneys for Plaintiff and Counterdefendant Graebel Commercial Services, Inc.

11 Tyson Arbuthnot, State Bar No. 215225

12 Richard M. Harris, State Bar No. 268171

13 **ROGERS JOSEPH O'DONNELL**

14 311 California Street

15 San Francisco, California 94104

16 Telephone: 415.956.2828

17 Facsimile: 415.956.6457

18 Email: tarbuthnot@rjo.com; rharris@rjo.com

19 Attorneys for Defendant and Counterclaimant Johnstone Moyer, Inc. and
20 Defendants Oyster Point Hotels, LLC, OTO Development, LLC, and
21 Arch Insurance Company

22 UNITED STATES DISTRICT COURT

23 NORTHERN DISTRICT OF CALIFORNIA

24 GRAEBEL COMMERCIAL SERVICES, INC., a
25 Colorado corporation,

26 Plaintiff,

27 v.

28 OYSTER POINT HOTELS, LLC, a California
limited liability company; OTO
DEVELOPMENT, LLC, a Delaware limited
liability company; JOHNSTONE MOYER,
INC., a California corporation; and ARCH
INSURANCE COMPANY, a Missouri
corporation,

Defendants.

AND RELATED COUNTERCLAIM.

Case No. 4:18-cv-03425-KAW

STIPULATION FOR DISMISSAL WITH
PREJUDICE; ORDER THEREON

Pursuant to a settlement agreement between plaintiff and counterdefendant Graebel Commercial Services, Inc. ("Plaintiff") and defendant and counterclaimant Johnstone Moyer, Inc. and defendants Oyster Point Hotels, LLC, OTO Development, LLC, and Arch Insurance Company (collectively, "Defendants"), the parties hereby stipulate and request that Defendants be dismissed with prejudice in the above-entitled action; each party to bear its own attorneys' fees and costs. See Fed. R. Civ. P. 41(a)(1)(A)(ii) (requiring stipulation for voluntary dismissals after responsive pleadings have been filed).

Respectfully submitted,

Dated: February 12, 2019

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
Law Corporation

By: /s/ Josh H. Escovedo

Josh H. Escovedo
California State Bar No. 284506

Attorneys for Plaintiff and Counterdefendant
Graebel Commercial Services, Inc.

Dated: February 12, 2019

ROGERS JOSEPH O'DONNELL

By: /s/ Richard M. Harris

Richard M. Harris
California State Bar No. 268171

Attorneys for Defendant and Counterclaimant
Johnstone Moyer, Inc. and Defendants Oyster Point
Hotels, LLC, OTO Development, LLC, and
Arch Insurance Company

ORDER

The parties having so stipulated and agreed, the above-referenced case is hereby dismissed with prejudice; each party to bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: 2/15/2019

